

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JERI CONNOLLY, et al.,

Plaintiffs,

v.

WEIGHT WATCHERS NORTH
AMERICA INC,

Defendant.

Case No. 14-cv-01983-TEH

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING**

The Court is in receipt of Plaintiffs' unopposed motion for preliminary approval of class settlement, filed on June 11, 2014. After reviewing the papers, the Court has several concerns about the proposed settlement and requests that the parties submit a joint filing on or before **July 11, 2014**, addressing the questions below.

1. Plaintiffs explain that this case is a "mop-up" case to *Sabatino v. WeightWatchers*, No. 09-cv-4926-TEH (N.D. Cal.) and covers liability for a gap of time not included in the settlement of that case. In *Sabatino*, plaintiffs' counsel undertook significant investigation, discovery and negotiations, and were awarded a 25% attorneys' fees award of \$1,550,000. Given that this case involves substantially identical claims, and those claims were already developed in the *Sabatino* case, what justification is there for a 25% attorneys' fees award of \$421,875 in this case?

2. Similarly, what justification is there for awarding representative plaintiffs, Jeri Connolly and Rhonda Arneson service payments in the amount of \$12,500 and \$10,000, respectively? In *Sabatino*, three representative plaintiffs received \$15,000 in service payments each. But given that this merely a follow-along litigation to that case, what significant and additional services did Plaintiffs Connolly and Arneson provide to justify such payments?

//

//

1 3. When does Plaintiffs' counsel anticipate filing their motion for attorney's fees?
2 As a reminder, the fees motion must be filed early enough to give Class Members an
3 adequate opportunity to evaluate such a motion before the deadline for filing objections.
4 *In re Mercury Interactive Corp. Sec. Litig.*, 618 F.3d 988, 995 (9th Cir. 2010).

5 4. Has Defendant complied with 28 U.S.C. § 1715(b)? If not, it shall provide the
6 requisite notice immediately and include proof of service with the joint filing.

7
8
9 **IT IS SO ORDERED.**

10
11 Dated: 7/3/14



THELTON E. HENDERSON
United States District Judge